

## Chapter 5.24

### ALCOHOLIC BEVERAGE LICENSE

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#### **5.24.010 Adoption of Utah Alcoholic Beverage Control Act.**

The Alcoholic Beverage Control Act, *Utah Code Ann.* §§ 32A-1-101 to 32A-15a-201, as amended from time to time, is hereby adopted by this reference in its entirety as if set forth in full herein. The Alcoholic Beverage Control Act as adopted herein shall be construed to apply only to the incorporated areas of the city and shall be interpreted and constructed where necessary to carry out the intent of this title.

#### **5.24.020 Definitions.**

All words and phrases used in this chapter shall have the same meaning given to them in the Alcoholic Beverage Control Act, *Utah Code Ann.* §§ 32A-1-101 to 32A-15a-201, as

amended from time to time. In addition, the following words and phrases shall have the following additional meanings, unless a different meaning clearly appears from the context:

A. “Alcoholic beverage license” means a license issued by the City pursuant to this chapter.

B. “City” means the city of Cottonwood Heights.

C. “Class D private club” means a private club that meets the requirements of Utah Code Ann. § 32-8-5-101, et seq., and does not meet the requirements of a Class A, B or C license, or seeks to qualify as a Class D license.

D. “Current business license” means an alcoholic beverage business license issued by the city pursuant to this chapter.

E. “Limited restaurant license” means a restaurant engaged in the sale or consumption of only wine, heavy beer, and beer to patrons of the restaurant on the restaurant’s premises.

F. “Off premises beer license” means any beer retailer engaged primarily or incidentally in the sale of beer to public patrons for consumption off the beer retailer’s premises.

G. “On premises beer license” means any beer retailer engaged primarily or incidentally in the sale of beer to public patrons for consumption on the beer retailer’s premises and includes taverns.

H. “Private club” means an organization primarily for the benefit of its members such as a social club, recreational association, fraternal association, athletic association or a kindred association.

I. “Privately hosted event” or “private social function” means a specific social, business or recreational event in which an entire room, area, or hall has been leased or rented, in advance by an identified group, and the event or function is limited in attendance to people who have been specifically designated and their guests. Privately hosted event or private social function does not include events or functions to which the general public is in-

vited, whether for an admission fee or not.

J. "Restaurant" means any business establishment where a variety of food is prepared and complete meals are served to the general public, located on a premises having adequate culinary fixtures for food preparation and dining accommodations, and that is engaged primarily in serving meals to the general public.

K. "Tavern" means any business establishment that is engaged primarily in the retail sale of beer to public patrons for consumption on the establishment's premises and includes a beer parlor, a parlor, a lounge, a cabaret, or a nightclub if the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in the establishment.

L. "Written consent of the local authority" means written consent of the city.

#### **5.24.030 Sales at wholesale or at retail – License required.**

It shall be unlawful for any person to sell an alcoholic beverage at retail or at wholesale or permit the consumption of an alcoholic beverage on any business premises unless such person has received an alcoholic beverage license from the city and, if applicable, a license issued by the Alcoholic Beverage Control Commission. Separate licenses shall be required for each place of business. Each day of non-compliance shall constitute a separate violation.

#### **5.24.130 Application for alcoholic beverage license.**

A person seeking an alcoholic beverage license shall file a written application with the community development department of the city in a form prescribed by the city. The application shall include, but not be limited to, the following information:

A. The name, current address and telephone number of the applicant.

B. The age and date of birth of the applicant.

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C. The social security number of the applicant.

D. The federal employee identification number of the applicant, if applicable, and the state sales tax identification number of the applicant.

E. The place of permanent residency of the applicant.

F. All addresses of the applicant for the previous five years.

G. All names, addresses and the names of the licensing authorities of all businesses previously and presently owned or operated by the applicant.

H. The type of license requested from the Department of Alcoholic Beverage Control.

I. The location of the premises to be licensed.

J. A statement verifying that the applicant meets all the requirements of the Alcoholic Beverage Control Act.

K. Consent for a criminal background check in such form as prescribed by the city.

L. Proof of training approved by the state.

M. An affirmative statement by the applicant that any employees who serve or sell beer shall be at least 21 years of age.

N. A sworn statement signed by the applicant that all the facts included in the application are true.

O. Any other information that the city may require.

If the applicant is a firm, partnership, association, group, corporation or a person with any other business interest in receiving a license or written consent hereunder, the above information shall be provided with respect to each partner, association member or corporate officer, director or member provided, however, that the application need only be signed by a single partner, member, corporate officer or person who is indicated as an applicant on the application.

If the business is to be operated by a person other than the applicant, said operator

must join in the application and file the same information required of an applicant. It shall be grounds for revocation of the license or written consent for any business required to be licensed by this title, to be operated by any person who has not filed his operators information at the time of renewal of the license, or, if operation is assumed during the license period, at least ten days prior to assuming operation of the business.

The application and operator's information must be subscribed by the applicant and operator who shall state under oath that the information contained therein is true.

**5.24.140 Application—Referral for investigation.**

The community development department shall submit copies of the application to the building department, fire department, health department and police department for investigation and approval.

**5.24.145 Approval.**

The approval referenced in section 5.24.140 shall be in writing and contain the following information:

1. The person's name to whom the approval relates;
2. The type of license requested;
3. The period of the license;
4. The location of the premises to be licensed;
5. The results and investigation; and
6. Recommendation to grant and/or deny the license. If the recommendation is to deny the license, a detailed reason for such recommendation.

**5.24.150 Renewal of alcoholic beverage license.**

Persons desiring to renew their alcoholic beverage license shall file a renewal application with the city no later than September 30 of each year. Renewal applications shall be in

a form and contain such information as prescribed by the city.

**5.24.155 Term of alcoholic beverage license.**

All alcoholic beverage licenses expire on October 31 of each year, except for temporary-type licenses which shall be issued for a period set forth in the license. Failure to timely meet the renewal requirements shall result in automatic termination and forfeiture of the alcoholic beverage license effective on the date the existing license expired.

**5.24.160 License – Fees.**

Annual fees, payable in advance, for an alcoholic beverage license shall be as specified on the fee schedule adopted pursuant to section 5.06.050.

**5.24.290 Off-premises beer retail license conditions.**

It is unlawful for any off-premises beer retail licensee to:

1. Sell, furnish or supply beer between the hours of 1:00 a.m. and 7:00 a.m. of any day.
2. Sell beer in containers that exceed two liters.
3. Permit a minor to sell beer on the premises except under the supervision of a person 21 years of age or older who is on the premises.

**5.24.300 Proximity.**

A. The premises of the licensee may not be established within 600 feet of any public or private school, church, public library, public playground, or park as measured by the method in paragraph C.

B. The premises of a licensee may not be established within 200 feet of any public or private school, church, public library, public playground, or park measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the

public or private school, church, public library, public playground, or park.

C. With respect to any public or private school, church, public library, public playground, or park, the 600 foot limitation is measured from the nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, public library, public playground, or park.

D. Subject to the other proximity requirements set forth in the Alcoholic Beverage Control Act, the proximity restrictions contained in paragraphs A and B govern unless the manager grants a written consent to a variance.

**5.24.420 Prohibition on issuance of a tavern beer license.**

The city shall not issue any new tavern licenses.

**5.24.430 Special rules with respect to entertainment.**

All entertainment at a premises of a licensee shall strictly comply with the requirements of chapter 5.82, sexually-oriented businesses and employee licensing.